

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:15-CT-3178-BO

MARK ANDRE LAMB,

Plaintiff,

v.

TONY DIXON, *et al.*,

Defendants.

ORDER


On April 18, 2016, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M & R”) [D.E. 8]. In that M & R, Judge Numbers recommended that the court dismiss plaintiff’s § 1983 complaint [D.E. 1] because it was legally frivolous. Plaintiff did not file objections to the M & R.¹

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

¹ At the time plaintiff filed his complaint, he was incarcerated at Greene Correctional Institution. Compl. 2. He has since been released from custody, and has not provided the court with a forwarding address. See N.C. Dep’t of Corr., Offender Public Information, <http://webapps6.doc.state.nc.us/opi/viewoffender.do?method=view&offenderID=0231166&searchOffenderId=0231166&listurl=pagelistoffendersearchresults&listpage=1> (last visited May 13, 2016). Plaintiff’s failure to notify the court of his change of address provides an alternate basis for dismissing this action. See Local Civil Rule 83.3.

The court has reviewed the M & R, the record, and the plaintiff's complaint. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M & R [D.E. 8], and plaintiff's complaint [D.E. 1] is DISMISSED. The clerk shall close the case.

SO ORDERED. This 16 day of May 2016.


TERRENCE W. BOYLE
United States District Judge